

V. REMARKS

Applicants express their appreciation for the thorough examination and helpful comments made by the Examiner.

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as unpatentable over Yamaguchi et al. (U.S. Patent No. 6,730,100) in view of Wetzel (U.S. Patent No. 5,611,145). The rejection is respectfully traversed.

As indicated by the Examiner on Page 3 of the outstanding Office Action, the rejection might be overcome by showing that the reference is disqualified under 35 USC 103 (c) as prior art in a rejection under 35 USC 103 (a).

Under 35 USC 103 (c)(1), it states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (g) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation to assign it to the same person.

As indicated by the Examiner, the 100 patent, cited above, is owned by Matsushita Electric Works, Ltd. and the subject matter of the 100 patent was developed by "another person". Also, as indicated by the Examiner, the 100 patent qualifies as prior art under 35 USC 102 (e). The present application is also owned by Matsushita Electric Works, Ltd. by virtue of reel 016354, frame 260, in the assignment records of the United States Patent and Trademark Office.

Applicants respectfully submit that Matsushita Electric Works, Ltd. has a company policy requiring its employees to agree to and sign assignments to Matsushita Electric Works, Ltd. for any inventions developed by its employees who invent under the employees' scope of employment. The claimed invention encompassed by the above-identified application has indeed been invented by the Applicants as employees of Matsushita Electric Works, Ltd. under their scope of employment. As a result, it is respectfully submitted that the subject matter of the 100 patent and claimed invention were, at the time the claimed invention was

made, owned by the same person or subject to an obligation to assign it to the same person. Therefore, it is respectfully submitted that the 100 patent is disqualified under 35 USC 103 (c)(1) as prior art. Thus, it is respectfully submitted that the claims are allowable over the remaining, qualifying prior art.

Withdrawal of the rejection is respectfully requested.

Claims 1-6, 8 and 9 are rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-20 on the 100 patent in view of Wetzel. Applicants hereby file a Terminal Disclaimer to overcome the rejection.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

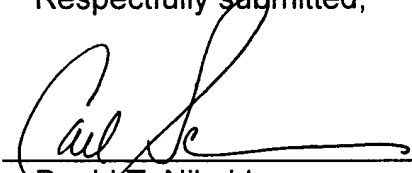
Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No.

18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: July 14, 2006

By:

A handwritten signature in black ink, appearing to read "Carl Sch", is written over a horizontal line.

~~David T. Nikaido~~
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Enclosure(s): Amendment Transmittal
 Terminal Disclaimer